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## United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
COMMERCE, SCIENCE, AND TRANSPORTATION  
ENVIRONMENT AND PUBLIC WORKS  
INDIAN AFFAIRS  
RULES AND ADMINISTRATION

October 30, 2009

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Genachowski:

I am writing to express grave concern with the state of basic telephone service on Tribal lands, including those in New Mexico.

Most Americans probably cannot imagine life without a telephone. Yet today more than 30 percent of households in Indian Country do not have access to basic telephone service. For members of the Navajo Nation in particular, the situation is even more appalling – with two out of three people unable to receive telephone service in their homes.

As troubling as these statistics are, they still do not adequately convey the hardships created by this lack of telephone service. In addition to the daily inconveniences, not having a landline or cell phone reception can mean the difference between life and death. Imagine not being able to call an ambulance when you or your loved one is in medical danger. Or consider the heartbreak of a man outside Gallup, New Mexico, who missed two opportunities for a life-saving kidney transplant because he lacked telephone service at home and could not be contacted in time.

In 2000, Federal Communications Commission Chairman William Kennard visited New Mexico and described the lack of telephone service on Tribal lands as “disgraceful.” He observed that although the United States has “a telephone system that is the envy of the world, basic telecommunications services are not widely enjoyed by our land’s oldest people.” Chairman Kennard then introduced the Enhanced Lifeline program to help ensure that Indian Country would have the same access to telephone services available in every other community.

Nearly a decade later, despite these well-intended efforts, it is clear that the Commission’s policies have failed too many people on Tribal lands. Furthermore, I am concerned that the Commission’s continued management of more than \$7 billion in annual universal service funds misses the mark if it cannot ensure that all people in the United States have access to basic telephone service. This situation suggests that the agency has failed to live up to its duties under Section 254 of the Communications Act. As you know, this law charges the Commission with ensuring that “Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas” have access to telecommunications and information services “that are reasonably comparable” to those in urban areas.

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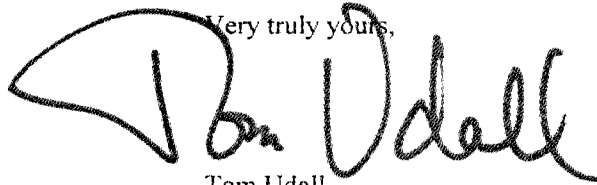
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I know from our discussions and your Senate confirmation hearing that you share my concerns about the digital divide in Indian Country. I am also optimistic that the Commission's forthcoming national broadband plan will help address these issues. Yet I caution that your efforts will be received with skepticism if the Commission neglects to address the communities in Indian Country that still lack basic telephone service. This situation requires your urgent attention, and I ask that you describe to me your plans to finally—and successfully—resolve the problem of access to basic telephone service on Tribal lands.

I look forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Udall". The signature is fluid and cursive, with the first name "Tom" written in a larger, more prominent script than the last name "Udall".

Tom Udall  
United States Senator



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

May 12, 2010

The Honorable Tom Udall  
United States Senate  
110 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Udall:

Thank you for working with me to improve the availability of telecommunications services on Tribal lands. I appreciated your words of support at the Senate hearing for the Tribal provisions in the National Broadband Plan, and I wanted to follow-up and outline action items deriving from the Plan that might be of interest to you.

The Plan recommends several tools and actions to address the disparity existing in Indian Country. It provides a roadmap for the nation's broadband deployment and adoption.

The Commission took the first critical step by beginning the process of converting the Universal Service Fund over time to broadband support, which will free up more resources to build modern communications networks including on Tribal lands. On April 21, 2010, the Commission adopted a *Notice of Inquiry and Notice of Proposed Rulemaking* to examine near- and longer-term processes to target funding toward new deployment of broadband networks in unserved areas while considering final rules to implement a new Connect America Fund (CAF) mechanism that efficiently ensures universal access to broadband and voice services. We are particularly eager to receive substantial input for this record from Native governments, so we can understand and account for unique circumstances present on Tribal lands.

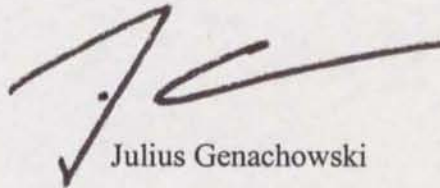
Also within the second quarter of this year, the Commission intends to launch the new Office of Native American Affairs and the Native Nations Broadband Task Force. These initiatives should allow more efficient government-to-government relations with Tribal governments, and the means to address more effectively the full range of Native American issues. The Plan also recommended creating a Tribal seat on both the Federal-State Joint Board on Universal Service and the USAC Board of Directors, and the creation of a Federal-Tribal Broadband Initiative consisting of Tribal leaders and officials from across all federal agencies. I strongly support all of these initiatives, and will work hard to put them in place to enhance government-to-government interaction with Tribal bodies.

The Plan correctly noted that technologies other than wireline systems would be needed to bring services to some areas of the country. You have highlighted how the remote nature of some Tribal lands has prevented the residents of those areas from gaining even basic telecommunications services. The Commission needs better data on these regions, so it plans to issue a Broadband Data Notice of Proposed Rulemaking (NPRM) toward the end of this year,

and coordinate with Native American governments to enhance data collection on the Tribal lands. The Commission also intends to issue a Spectrum on Tribal Lands NPRM during the fourth quarter of this year to examine increasing mobile opportunities in Native American communities, and follow with a Rural Health Care Reform NPRM and Order with an eye toward bringing access to world-class healthcare for Tribal and remote regions.

Throughout the Commission's activities implementing the National Broadband Plan, I intend to keep a watchful eye on how our actions benefit the most remote and unserved regions. I look forward to expanded and enhanced coordination with Tribal governments, and full participation from Tribal representatives and stakeholders in this major effort, so we can be assured of addressing the disparity in communications services that has existed on many Tribal lands. I look forward, as well, to continuing a constructive dialogue with you on this very important issue.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'J' followed by a horizontal line and a small dot.

Julius Genachowski